

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TIMOTHY MICHAEL MERWARTH,
Plaintiff,

v.

**THOMAS S. MCGINLEY, THE
DISTRICT ATTORNEY OF THE
COUNTY OF LEHIGH AND THE
ATTORNEY GENERAL OF THE STATE
OF PENNSYLVANIA,**
Defendants.

CIVIL ACTION

NO. 21-4153

O R D E R

AND NOW, this 10TH day of May 2023, upon careful and independent consideration of the pleadings and available state court records, and after review of the Report and Recommendation of United States Magistrate Judge David R. Strawbridge, and having reviewed the letter provided by Petition (ECF#31), it is **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**.
2. The petition for a writ of habeas corpus is **DENIED** and **DISMISSED**.
3. A certificate of appealability **SHALL NOT** issue, in that the Petitioner has not made a substantial showing of the denial of a constitutional right nor demonstrated that reasonable jurists would debate the correctness of the procedural aspects of this decision. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 484 (2000); and
4. The Clerk of the Court shall mark this case **CLOSED** for statistical purposes

BY THE COURT:

/s/Wendy Beetlestone, J.

WENDY BEETLESTONE, J.

